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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 ANTHONY L. TOTTEN,

Petitioner,

17 v.

18 SCOTT RAWERS, WARDEN,

Respondent.

No. C 07-05974 TEH (PR)

**RESPONDENT'S REQUEST
FOR AN EXTENSION OF
TIME TO FILE INITIAL
RESPONSE; SUPPORTING
DECLARATION OF
COUNSEL**

21 **REQUEST FOR AN EXTENSION OF TIME**

22 Respondent J. Hartley, Acting Warden at Avenal State Prison, requests that this Court,
23 for the reasons set forth in the accompanying declaration of counsel, grant an extension of time
24 to, and including, July 25, 2008, to file an initial response.

25 **DECLARATION OF COUNSEL**

26 I, Denise A. Yates, declare:

27 1. I am an attorney admitted to practice before the courts of the State of California
28 and in this Court. I am employed by the California Attorney General's Office as a Deputy

1 Attorney General in the Correctional Writs and Appeals Section. I am assigned to represent
2 Respondent in this case in which Petitioner Totten challenges his 2006 parole denial.

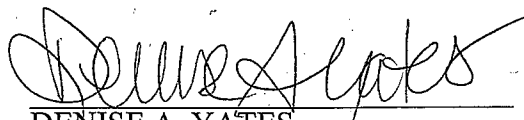
3 2. Pursuant to this Court's March 27, 2008 Order to Show Cause, Respondent's
4 initial response is due May 27, 2008.

5 3. I need additional time to prepare a response in this case because since being
6 assigned this case on or about April 14, 2008, I have prepared approximately seventeen
7 substantive filings, presented two oral arguments, and was out of the office for three days. In
8 addition, in the next two months, I am scheduled to prepare approximately fourteen substantive
9 filings, and I will be out of the office for at least thirteen days. Accordingly, Respondent
10 respectfully requests additional time to file a response.

11 4. This request for an extension of time is not made for any purpose of harassment,
12 undue delay, or for any improper reason. Petitioner Totten should not be prejudiced by this
13 request for an extension of time. Respondent has not requested any other extensions of time to
14 file an initial response. Petitioner Totten is incarcerated in state prison and cannot easily be
15 contacted about this requested extension of time.

16 5. Without an extension of time, Respondent would be substantially harmed or
17 prejudiced in that I would not be able to determine if this case should be dismissed for a
18 procedural reason or to prepare a proper and thorough motion or answer.

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed on May 21, 2008, at San Francisco, California.

21
22 
23 DENISE A. YATES
24 Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Totten v. Rawers**

No.: **C 07-05974 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **May 22, 2008**, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME TO FILE INITIAL
RESPONSE; SUPPORTING DECLARATION OF COUNSEL**

PROPOSED ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Anthony Totten, H-21049
Avenal State Prison
P.O. Box 9
1 Kings Way
Avenal, CA 93204
In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **May 22, 2008**, at San Francisco, California.

J. Palomino
Declarant

J. Palomino
Signature